

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 00-6284-CR-LENARD/SELTZER

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID ALTMAN,

Defendant.

**DEFENDANT ALTMAN'S OBJECTIONS TO
THE PRESENTENCE INVESTIGATION REPORT**

The Defendant, David Altman, through counsel, files his Objections to the PreSentence Report, and states;

Objection Number 1, Page 11, Paragraph 41

The Defendant provided a statement for "Acceptance of Responsibility" to United States Probation Officer Smith. The Defendant is requesting that the three point reduction be granted as he is in compliance with Chapter 3E1.1 of the Federal Sentencing Guidelines.

Objection Number 2, Page 15, Paragraph 56

The Defendant disagrees with the last sentence of this Paragraph. When the Defendant made the statement that "he was going to beat this charge," he was speaking out of fear. He understands the extremely serious nature of the allegations. His comments were taken out of context and do not represent his true feelings regarding this matter. Mr. Altman was speaking out of fear as he does not

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want to go to prison. He realizes that his situation is bleak, however he is holding out whatever hope there is. The Defendant realizes that this objection will not impact his guideline calculation, it is offered more in the sense of a clarification

Objection Number 3, Page 19, Paragraph 66

Defendant David Altman was referred to Dr. M. Ross Seligson for a psychological evaluation. The Defendant was not referred to Dr. Seligson solely for the determination of whether or not he was a pedophile.

Objection Number 4, Page 20 & 21, Paragraph 74

The Defendant strongly objects to the representation that he was separated from the United States Marines due to acts of sexual perversion. Investigators from the Federal Defender's Office contacted Marine Gunnery Sergeant McLaughlin at the Marine Corps Recruiting Office in Fort Lauderdale, Florida. This is the same person contacted by the United States Probation Office. Gunnery Sergeant McLaughlin was questioned about separation code HKN-1 and what it stood for. He informed our investigator that HKN-1 was not listed in his manual. This information was confirmed by Sergeant Olson at the Marine Administration Office. She went on to state that code HKN-1 is used for minor disciplinary actions. Sergeant Olson confirmed the information contained on Defendant Altman's discharge papers. His Certificate of Release or Discharge from Active Service (DD-214) indicates that he was discharged from the military "for misconduct involving minor disciplinary infractions."

Defendant Altman requests that all information pertaining to his discharge from the military be amended to reflect the correct information. He is also requesting that all references to his discharge from the military for sexual perversion be deleted.

WHEREFORE, the Defendant, requests that the objections to the PreSentence Investigation Report be granted.

Respectfully submitted,

KATHLEEN M. WILLIAMS
FEDERAL PUBLIC DEFENDER

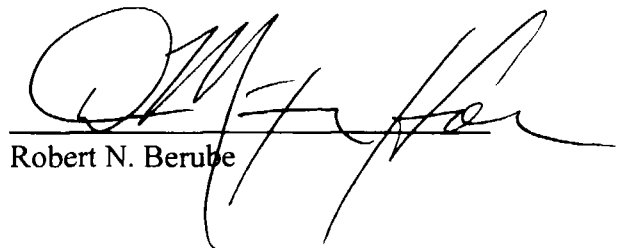
By:



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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the aforementioned motion was mailed on this 7th day of March, 2001, to Kathleen Rice, Assistant United States Attorney, at 299 East Broward Boulevard, Fort Lauderdale, Florida 33301, and to Frank E. Smith, United States Probation Officer, Federal Courthouse Building, 299 East Broward Boulevard, Room 409, Fort Lauderdale, Florida 33301.



Robert N. Berube